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Presentation 2

CONSENT AND DIVERSITY OF RELATIONSHIPS

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1. No means no
2. Only yes means yes
3. The need of *Communicative Acts*
4. Types of *Communicative Acts*

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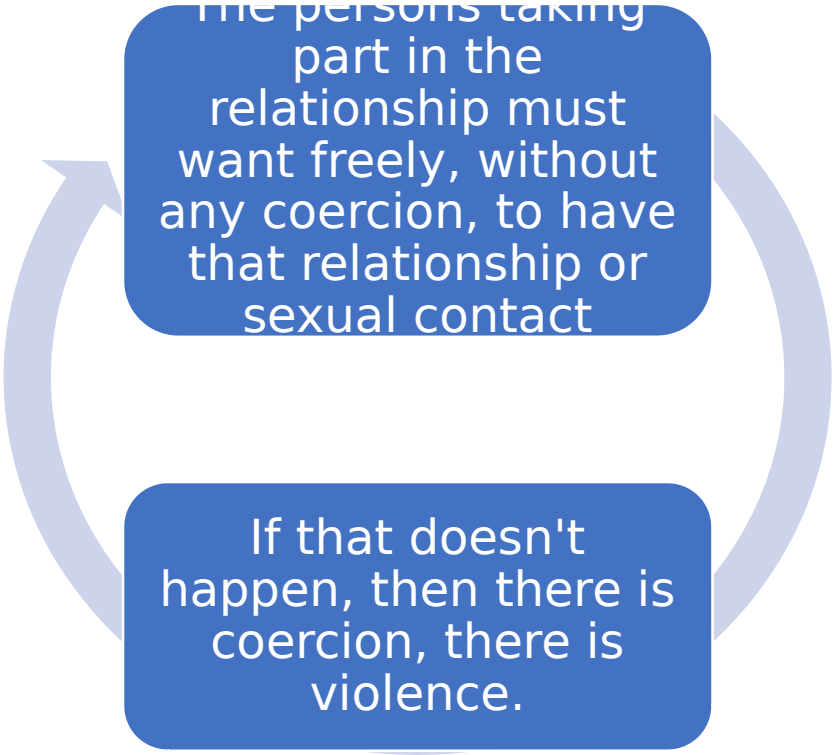
An unquestionable premise for any intimate relationship


The persons taking part in the relationship must want freely, without any coercion, to have that relationship or sexual contact
If that doesn't happen, then there is coercion, there is violence.

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7 KEYS OF SEXUAL CONSENT

WHAT DOES THE SCIENTIFIC EVIDENCE SAY?

Any action on sexual consent is based on scientific evidence of social impact

Ask for them to be included, ask where what they tell you has worked!

1 DISTINGUISHING HOAXES FROM EVIDENCE

Don't be fooled!

Neither "no" means yes, nor is every "yes" free of coercion, for example if there is a threat of a weapon. Analyze the communicative acts involved in the interactions to determine not only whether there was a verbal 'yes' but whether the will is given in a truly free environment or is coerced by some power interaction or element of the environment.

If you want to know more about *sexual consent* or have any doubts, you can consult the citizen participation platform with evidence on gender issues Sappho and the news published by Diario Feminista.

Todo lo que encuentres allí tienes la certeza de que está avalado por la comunidad científica internacional

2 NOTE THAT...

Consent

COERCION	CONSENT
Power communicative acts	**Dialogic** communicative acts
Physical power	Free of Physical Power
Institutional Power	Free of Institutional power
Interactive Power	Free of Interactive Power

When there is consent, it can be seen!
If in doubt, make sure the environment is one of freedom

When the bond of relating comes out, it comes out naturally. I can't explain it... it's something physical that you notice, that you feel... (G203. Girl, 21)

Two people when they are well together, when they are comfortable, they look at each other... oh... they touch, they hug... But if they're not well together, you can tell that there's nothing for sure (GF17. Girl, 20)

3 IDENTIFYING INTERACTIVE POWER

Some situations of interactive power (the power given by the interaction established between the people involved) are so normalised that we accept them. You may have witnessed/experienced many of them

If you push and push and push in the end... he who follows gets it. And you don't get it, it's not like that. The one who pushes, because of tiredness and for your own security, you say: okay, that's it, I'll do it and that's it, but that doesn't mean that it's because the other person wanted to do it, it's not like that. Because if a person has said no to you 15 times... the 16th time is not going to be that they have changed their mind and say "oh, yes, now I really want to do it". (CL29. Girl, 21)

Do any of these ring a bell?

I know of groups of friends who are out partying, (...) one invited her for a drink and the whole group automatically, not just the boy but the whole group was like: make out... make out... you said yes to the drink... make out... Of course, and she was like: I don't want to... (ZD18. Boy, 20)

This interactive power does not only happen at the moment of the aggression, it can start in different interactions with other people prior to the aggression, in an environment where a coercive discourse prevails:

Don't let them subjugate you or anyone else

When a person is told by his friends to do it and the person keeps saying no, they say to his face: are you stupid or what? What are you doing? (...) And comments: I don't know what's wrong with him, I can see he's asexual, or is he homosexual? On the back of a lot of this kind of things ET60. Boy, 22

Besides, my friends are all the time eating my head off. Maybe it's time. Maybe I have to attack. Maybe I have to put pressure on the girl. ED18. Boy, 22

Many friends of mine have had something that they didn't want to have, apart from pressure, more than pressure from between the two of them, from the environment that says: "well, if you don't have something with this person, then you're stupid...". "You're already old enough to start having this kind of relationship... and anticipate having them"." (CF17. Girl, 20)

Freedom or coercion?

(...) yes, my colleagues on coming back with the group, said: "no... but man... you should have taken advantage... since you were there with her... well... you could have done something... you could have enjoyed yourself and that was it...". (AB19. Boy, 21)

Identifying this coercive discourse, these complicities of third parties in situations of coercion, can be key in a trial

CM73 (female judge): I can't hold him guilty if there was someone behind it pushing him to make out with the girl (...) Well, but you can make them collaborators.

Interviewer: Would there be a way for you to advocate that the alleged aggressor has to prove that he has ensured a violence-free environment?

CO46# (lawyer): That can help, but it's also up to her to know, so that when she starts she can explain it in this way. The story should already start like this, because if you introduce it on the day of the trial, they will already tell you that you don't have to explain it because now you have to explain it like this.

CONSENT

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4 UPSTANDERS: SAFE ENVIRONMENT

You may sometimes feel insecure with the person you are with if they don't listen to your signals.

Try to make contact with people around you so that they can give you a hand. If you are the outsider witnessing this kind of situation, think about the best and safest way to help.

(...) In other words, the girls said: leave him alone. If he doesn't want anything, he wants to be here with you, you don't have to force him to do it. (XG03. Boy, 18)

Even some friendships have agreed help signals to protect against coercive situations:

In my group of friends we have a signal that when someone is bothering us a lot we want them to rescue us, we make a signal that you don't notice (...) We are always a little bit alert and if we suddenly make the signal, someone says: ay girl, come with me to the bathroom... Or ... I'm lost... And we do a little bit of rescuing. (3B02. Girl, 25)

You can also take a stand against known situations of lack of consent on social media or in public debate:

XXXX it's not a sexy movie, she was literally kidnapped and coerced into having very violent sex [...]. Consent turns me on, sorry :) (Tweet)

5 PROTECT FROM IGV ISOLATING GENDER VIOLENCE

When these people intervene and take a stand in situations of coercion, they receive reprisals, they are perceived as " buzkillers" by the people around them.

Practically the same situation of boy invites girl... girl doesn't want to... group tries to insist... And I end up in the middle, I'm the one who ends up saying: "this is it" because I see the girl and I don't want the girl to have a bad time... And yes, it does exist... to live those reprisals like everyone looking at you badly... Maybe no one says anything but the look changes, the attitude changes... like you become the group's buzkiller... (2D18 Boy, 20)

It is important to make the courage of these people visible as they are crucial to stop situations of violence.

If it happens to you or someone else in the Basque Country (Article 50.4 of Law 1/2022); or Catalonia (Article 4.3 of Law 17/2020), you can report it.

6 NAM NEW ALTERNATIVE MASCULINITIES

No! Not all men around you are potential aggressors. This is a hoax. The evidence is that there are many boys, the NAMs, who respect consent, will always stand to protect you from violent situations, will never try to take advantage of you, and with whom you will feel truly free.

Among boys there are those who respect consent and those who do not. There are boys who are able to accept no and those who don't. There are boys who are easily coerced and those who don't. There are two profiles. There are those who submit to pressure from their friends and those who do not. There are people who treat with respect and there are people who don't. (ES98. Boy, 22)

On the other hand, another person can be a nice person who always takes into account the feelings of others, who always respects other people, and who has always received a refusal. I think there are different profiles of guys (IT15. Boy, 22)

NAMs are found in real life as well as in the series and films we watch:

(...) making consent sexy since the 1700s. XXXX is great at showing so many incredible realities of consent. Consent does not a hickdil. It is yes! (Tweet)

7 DIALOGUE

Talking with courageous friends about the "coercive yes" and coercive discourse that we experience on a daily basis and that is explained by scientific evidence of social impact allows you to recognise these situations now and in the future, and you can even label the ones you have already experienced with the right name so that you can reject them from now on.

By talking about our experiences and especially realising that we have often given "false consent". Or that we have not known what that meant. (RC24. Girl, 24)

Watching XXX, thinking about how the vast majority of hook-up experiences I've had with men have involved some kind of coercion/manipulation + left me feeling violated, hurt and sometimes scared. I am angry. I deserve infinitely better (Tweet)

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TEACH X EVIDENCE

CREA COMMUNITY OF RESEARCHERS ON EXCELLENCE FOR ALL

UNIVERSITAT DE BARCELONA

IRIS AEBE Associació per l'Educació Basada en Evidències

CFAE Beira Mar Centro de Formação de Associação de Escolas

AGRUPAMENTO DE ESCOLAS MARINHA GRANDE Poente

HVIDOVRE UNGDOMSSKOLE

1. No means no

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But...

- Is “no means no” enough?
- Is it enough to say “No”?

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The case of Anna Chambers. New York, USA

DF

DIARIO FEMINISTA

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El caso of Anna Chambers. New York USA

DF DIARIO FEMINISTA

Anna, an 18-year-old girl, was arrested in New York and reported the two police officers who had her in custody for rape. Anna thought her case was easy, the genetic tests from the samples collected at the hospital matched the two policemen, they were on duty and she was in their custody. Anna could not have imagined that New York is one of 35 states in the US where there is no regulation explicitly prohibiting police officers from having sex with people in their custody if they "consent". Anna now has to prove that there was no consent, as the two police officers claim.

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The case “La Manada” [The herd] in Spain

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The case of La Manada [The herd] in Spain.

DF
DIARIO FEMINISTA

One of the particularities of the “La Manada” case is that what happened was quite clear, there were no great divergences on the facts between both parties. What the judges were deliberating is not what happened, but whether or not what happened constituted sexual assault. Ultimately, what was said are issues that will undoubtedly transcend the case itself and create a precedent about what idea of consent underlies our legal system.

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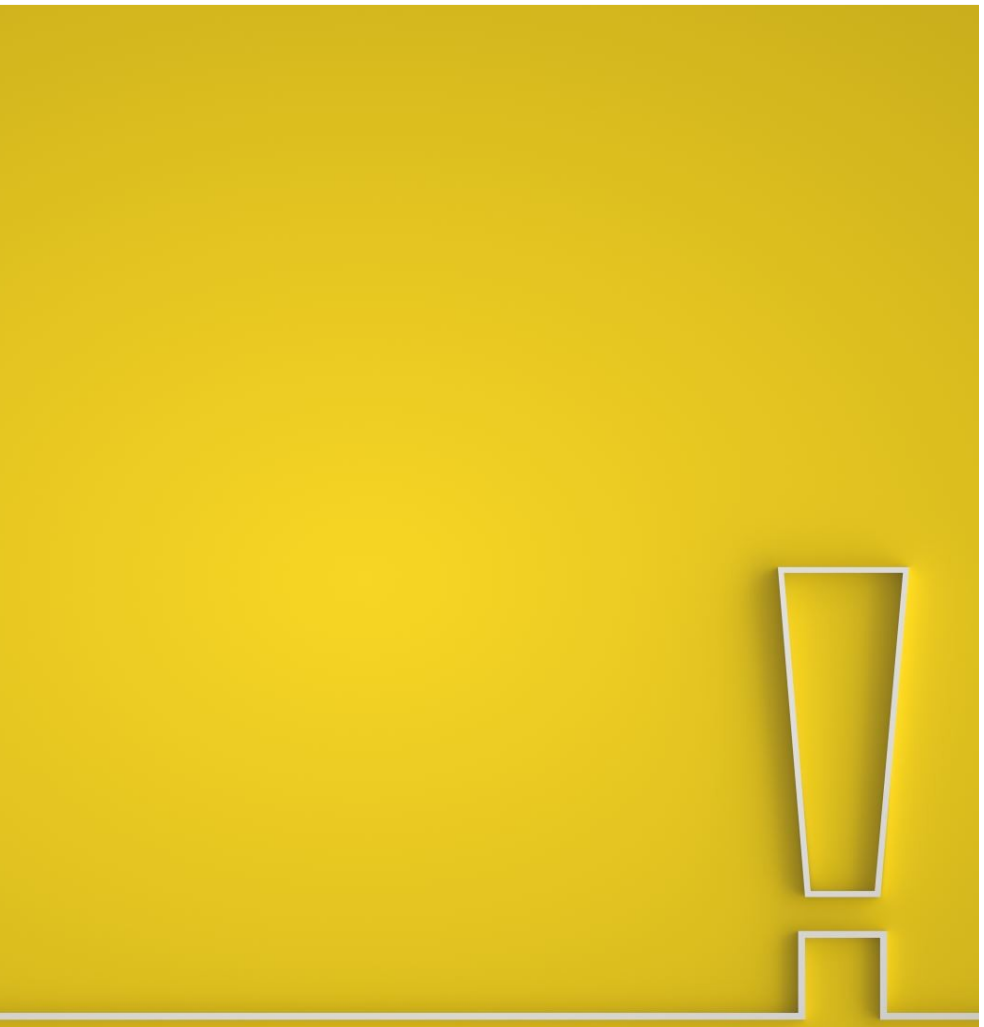

“No means no” falls short

- We know that there are times when people cannot say "NO", either:
- Because of the effect of some substance
- Because of the paralysis caused by certain intimidating
- Because of the social hierarchies that underlie our social structure.
- Because of many other circumstances

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So ....

This has led to the idea that only an explicit "yes" is a "yes".

That it is necessary to say "yes".

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2. Only “Yes” means yes

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“Only yes means yes” is not enough either

The fact that we have asked at a given moment does not guarantee anything at all; someone can say yes now and not want to continue in 2 minutes, so we would end up concluding that we have to ask every five seconds

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3. Communicative Acts

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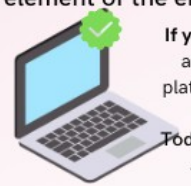

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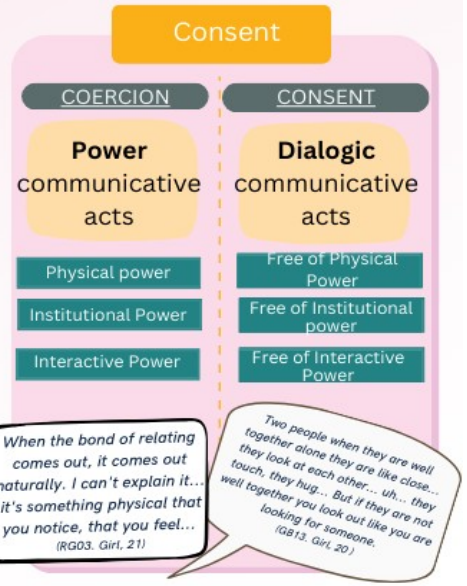
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(RG03. Girl, 21)
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(GB13. Girl, 20)

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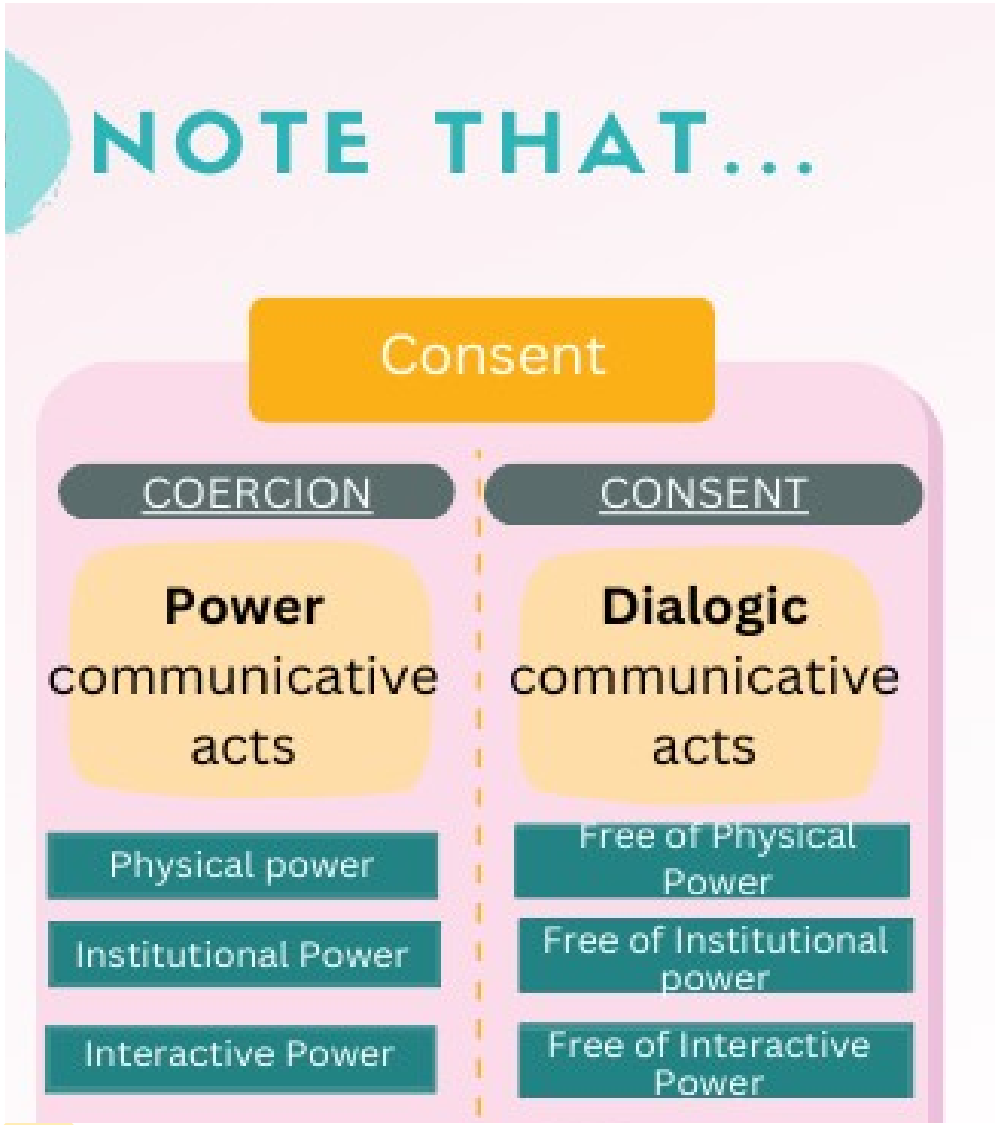

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Physical Power

A "yes" given under physical coercion, for example under threat of a knife, cannot be considered a freely given "yes" and therefore, no matter how much that “yes” was given, there is NO consent.

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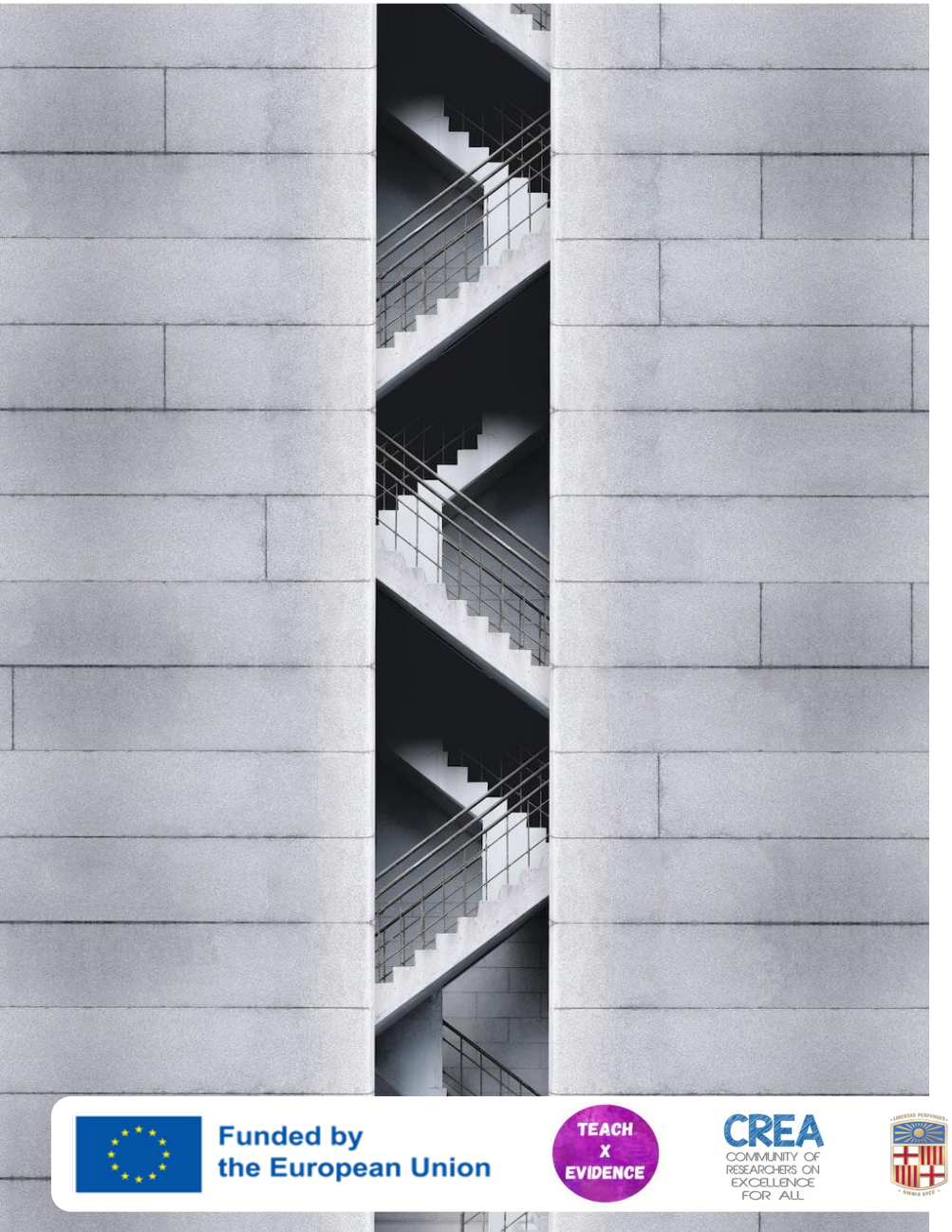

Institutional Power

- There may be circumstances in which asking and getting a yes does not prove that the desire we are looking for exists (for example, because of the effect of the hierarchies underlying the relationship).
- For example, between a student (18 years old or older) and her university professor there is a power relationship.

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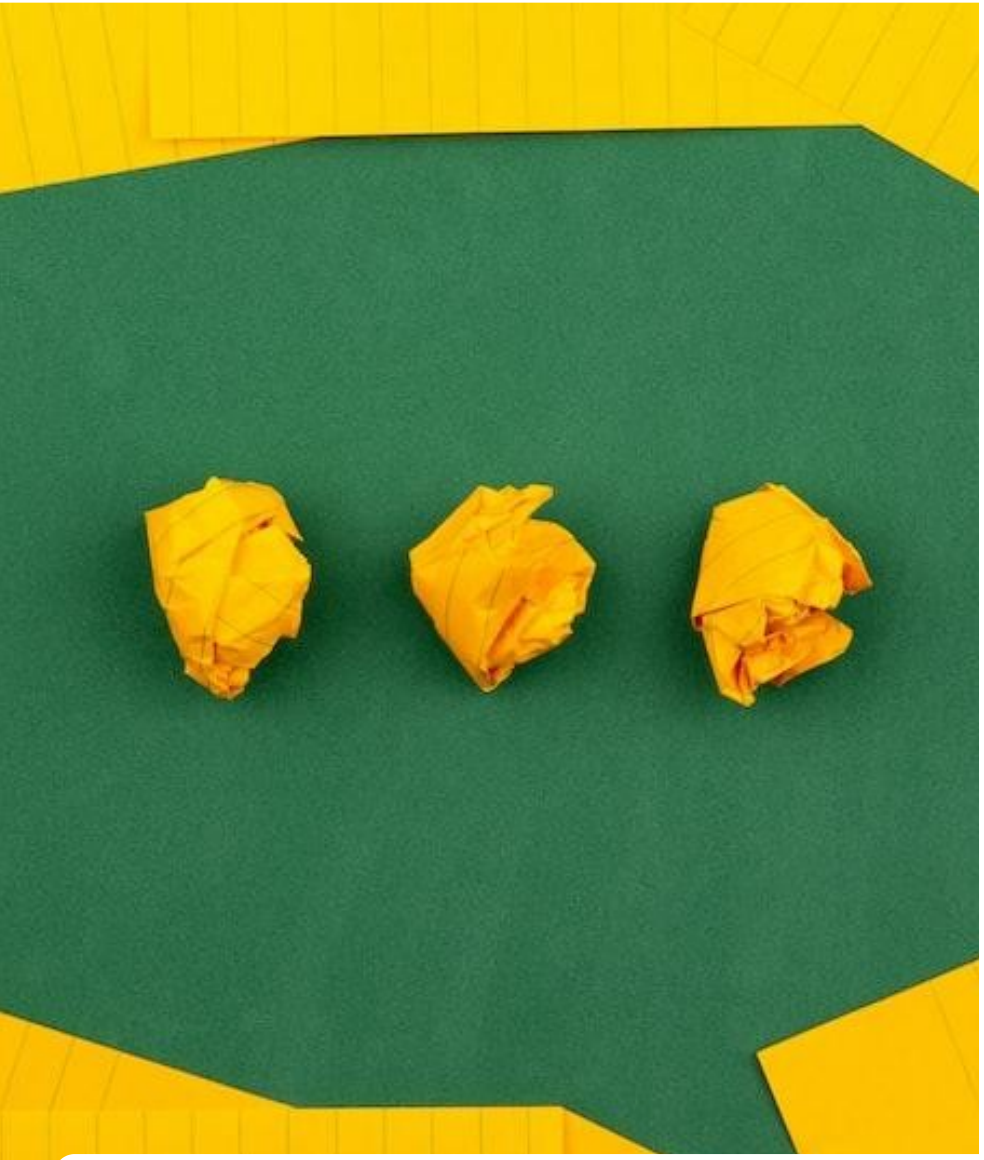

Interactive Power

- When environmental conditions hinder free communication of consent. Coercion can come not only from the person directly involved in the relationship but also from the environment
- Whoever has a greater position of power in a relationship, be it in an academic or work context, but also within a social group, must always ensure that the contact is desired by

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Interactive Power

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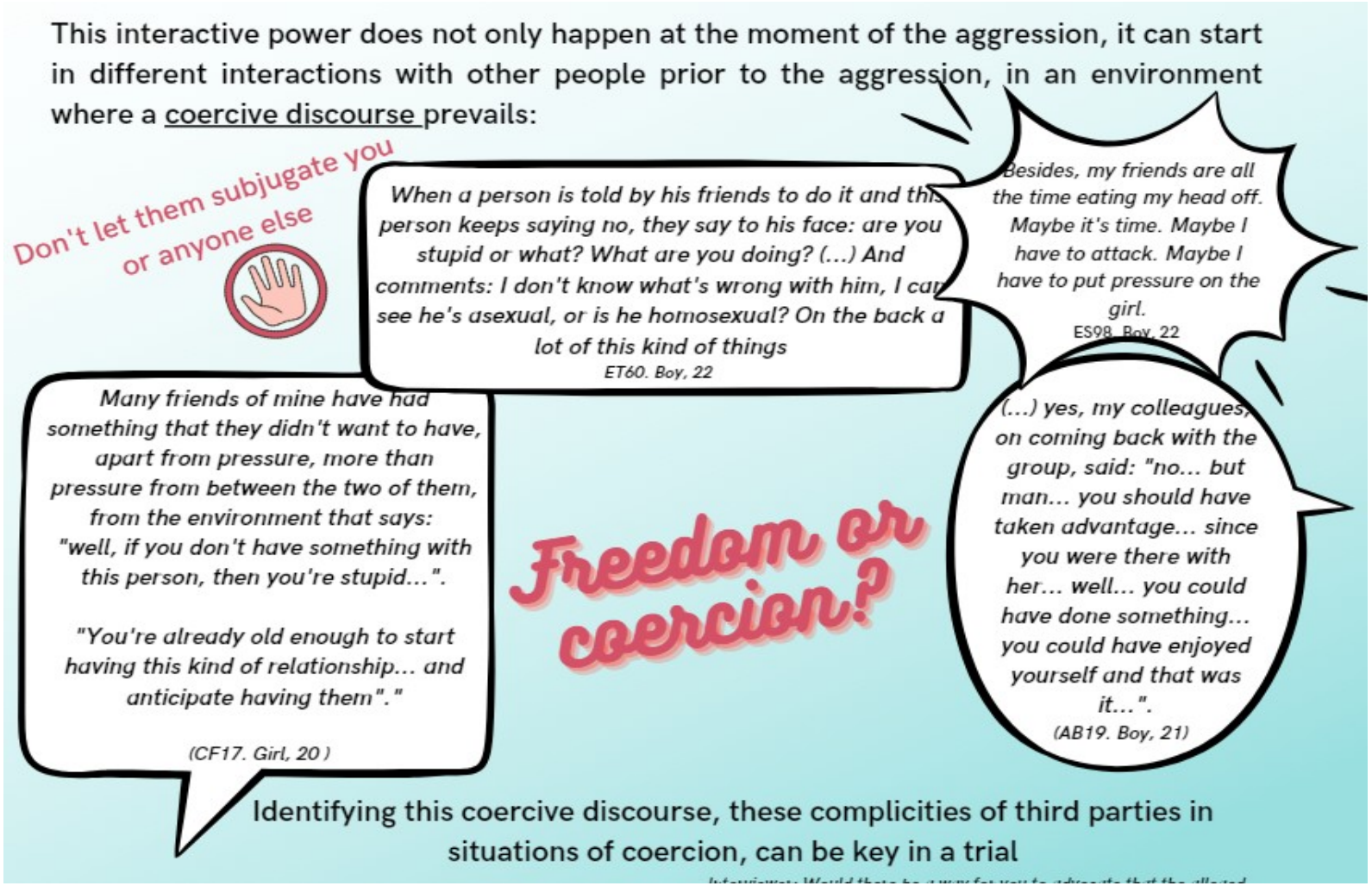
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Communicative Acts

- Other elements need to be taken into account beyond the words "yes" or "no“
- It is necessary to introduce the "communicative acts", that is, not only what is said, or non-verbal language but also the context in which interactions take place.

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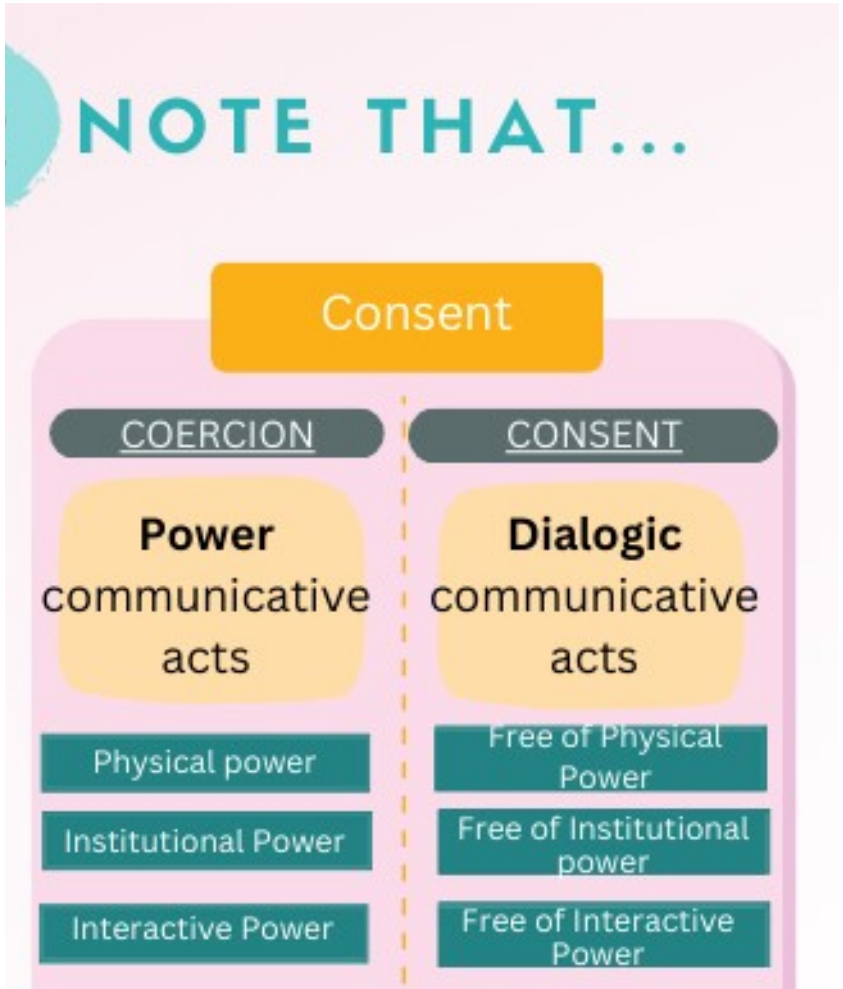

Communicative Acts

We must be aware of whether our position of power and the context allow the other person(s) involved to freely express what they want

- When communication is dominated by **power communicative acts** (whether physical, institutional or interactive) then we can say that it is an environment of coercion where if "consent" is given, it is not freely given, it may be coerced and therefore invalid
- If in the communication of consent, all communicative acts that take place are free of the three types of power (physical, institutional and interactive), then we are talking about **dialogic communicative acts** where consent can be expressed freely, we can say that there

Debate

- What did you think?
- Did you think that saying "no" or saying "yes" was enough to ensure consent?
- Do you know of any stories, whether in books, movies or news stories, where a boy or girl has been pressured to do something intimate that they didn't want to do?

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If you have more time… you can read and discuss

El consentimiento afectivosexual y los actos comunicativos
https://periodicoeducacion.info/2023/03/15/el-consentimiento-afectivosexual-y-los-actos-comunicativos-2/

La primera vez importa
https://periodicoeducacion.info/2024/02/23/la-primera-vez-importa/

¿Tocarse o no tocarse en Educación Física?
https://periodicoeducacion.info/2024/01/08/tocarse-o-no-tocarse-en-educacion-fisica/

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